

REMARKS

Prior to entry of this amendment, claims 1-16 are currently pending in the subject application. Claim 13 has been amended to correct for a noted informality. Claims 17-20 have been added. Claims 1 and 12 are independent.

Applicants note with appreciation the Examiner's acceptance of the drawings filed February 24, 2007.

Applicants note with appreciation the Examiner's consideration of applicants' Information Disclosure Statement filed July 26, 2006.

Applicants note the objection to the specification indicated on the Office Action Summary. As the Detailed Action does not specify objections to the specification, Applicants assume the indication on the Office Action Summary was a typographical error.

Claims 1-20 are presented for further or initial consideration on the merits.

A. Introduction

In the outstanding Office action,

- 1) claims 1-4, 6, 9-13 and 15-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,009,652 to Tanida et al. ("the Tanida et al. reference");
- 2) claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of U.S. Patent No. 6,366,319 to Bills ("the Bills reference");
- 3) claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of U.S. Patent No. 6,137,535 to Meyers ("the Meyers reference"); and
- 4) claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of Examiner's Official Notice.

B. Asserted Anticipation Rejection of Claims 1-4, 6, 9-13 and 15-16

In the outstanding Office action, the Examiner rejected claims 1-4, 6, 9-13 and 15-16 under 35 U.S.C. § 102(e) as being anticipated by the Tanida et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

Claims 1 and 12 recite, inter alia, “multiple sub-pixel resolution elements,” for each sensor pixel. Support for this limitation may be found, for example, in FIG. 2 and paragraph [0034] of the original specification.¹

In contrast, the elements relied on in the Tanida et al. reference are the same across an individual camera system, referred to as a unit in the Tanida et al. reference.² For example, while the partition wall layer 2 may have multiple partition walls, these walls are between the respective camera systems, and are for preventing crosstalk.³ Further, while the polarizing filter array 4 may have a plurality of blocks, each block 4a corresponds to one unit, and is also for preventing cross-talk.⁴ Additionally, the diffraction grating 7 is for a single unit and is used to form independent spectroscopes.⁵ None of the elements vary across sub-pixels or are resolution elements.

Therefore, the Tanida et al. reference fails to disclose or even suggest the sub-pixel resolution elements recited in claims 1 and 12. The remaining rejected claims depend, either directly or indirectly, from respective ones of these claims and are similarly believed to be allowable. Therefore, it is respectfully requested that this rejection be withdrawn.

C. Asserted Obviousness Rejection of Claim 5

In the outstanding Office action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Bills reference. The Bills reference fails to provide the teachings noted above as missing from the

¹ Reference to paragraph numbering herein is to the published application.

² Office action dated August 7, 2007, page 3.

³ The Tanida et al. reference, col. 4, lines 2-5.

⁴ Id., col. 6, lines 25-32.

⁵ Id., col. 10, lines 60-66.

Tanida et al. reference. Therefore, it is respectfully submitted that claim 5 is allowable for at least the reason its base claim 1 is allowable. Therefore, it is respectfully requested that this rejection be withdrawn.

D. Asserted Obviousness Rejection of Claims 7 and 14

In the outstanding Office action, the Examiner rejected claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Meyers reference. The Meyers reference fails to provide the teachings noted above as missing from the Tanida et al. reference. Therefore, it is respectfully submitted that claims 7 and 14 are allowable for at least the reason discussed above regarding claims 1 and 12. Therefore, it is respectfully requested that this rejection be withdrawn.

E. Asserted Obviousness Rejection of Claim 8

In the outstanding Office action, the Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Examiner's Official Notice. The Examiner's Official Notice fails to remedy the deficiencies noted above in the Tanida et al. reference with regard to claim 1, from which claim 8 depends. Therefore, it is respectfully requested that this rejection be withdrawn.

F. New Claims

New claim 17 depends from claim 1, and new claims 18-20 depend from claim 12. Therefore, these claims are believed to be allowable for at least the reasons set forth above.

G. Applicant Initiated Interview Request

Applicants respectfully request, prior to the issuance of an action on the merits, that the Examiner grant a personal interview with applicants' representative in order to discuss the differences between the cited prior art and the subject matter recited in the claims.

Tentative participants would be:

- For Applicants: Susan S. Morse, Reg. No. 35,292.
- For PTO: Examiner Usman Kahn.

Issues/Claims to be Discussed:

- Each of the outstanding as set forth in the Office action of August 7, 2007.

Applicants' representative will telephone the Examiner within the next two weeks in an attempt to schedule this personal interview. However, as applicants' representative cannot anticipate when this application will be scheduled for further action by the Examiner, it is requested that the Examiner contact applicants' representative by telephone, at the number given below, should a specific date for the interview not have been scheduled when the Examiner takes up this application for further action. Every effort will be made to meet the Examiner's scheduling preference.

H. Conclusion

The above remarks demonstrate failings of the Examiner's rationales for the outstanding rejections, and are sufficient to overcome the outstanding rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, Applicants submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim element discussed above.

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

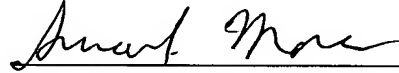
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

Date: February 5, 2008


Susan S. Morse, Reg. No. 35,292

Attachments:

Petition for Extension of Time
Applicant Initiated Interview Request

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.